

REMARKS

Applicants have thoroughly considered the Examiner's remarks and respectfully request reconsideration of the application in light of above amendments and the following remarks. Claims 1, 3-17 and 22-23 are presented in the application for reconsideration.

Interview Summary

The undersigned thanks the Examiner for the interview on October 24, 2007. The Examiner suggested that "indirectly" should be deleted from the claims because it does not appear in the specification. Since Applicants were using "directly" and "indirectly" as labels, these words have been removed from the claims. The Examiner also suggested that determining instructions would distinguish over Haff and the other cited art, subject to the Examiner's further review. As suggested, the claims have been amended to include determining instructions.

Claim Objections

Claim 15 has been amended as suggested so that the objection should be withdrawn.

Claim Rejections - 35 U.S.C. § 112

Claims 13, 14 and 22 have been amended to clarify the language so that the rejection should be withdrawn. Applicants therefore submit that amended claims 13, 14 and 22 are in compliance with the second paragraph of 35 U.S.C. 112.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 3-17 and 22 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Haff (6219669).

Independent claims 1, 13, 15 and 22 have been amended as suggested by the Examiner to recite the determining aspect of the invention. For example, embodiments of the invention determine the total size of the designated files to be transferred and the

transfer via the Internet or via the portable computer readable storage medium is based on the determined total size.

In particular, claim 1 has been amended to recite:

instructions for determining a total size of the designated files being transferred from the first computer to the second computer;
instructions for indicating whether to transfer the designated files from the first computer to the second computer via the network or whether to transfer the files from the first computer to the second computer via the portable computer readable storage medium based on the determined total size of the designated files being transferred....

Applicants note that the instructions for indicating are "based on the determined total size of the designated files being transferred...." Furthermore, claim 1 has been amended to recite that the transferring instructions are "based on the instructions for indicating...." Thus, claim 1 distinguishes over Haff which, according to the Examiner, only has the capability of transferring based on intended use:

directly to the portable computer (figs. 1, 15, Col. 21, lines 10-27). As discussed above, Haff essentially discloses the claimed invention but does not explicitly disclose that transferring the file when the total size of the files being transferred is greater than the target amount. However, since operator or user can authorize credit and data transferring distribution, file can be transferred to a notebook computer when the operator/user believe the size of the files is over or under the limit of credits at the destination computer. The file transfer control (with a send button) is shown in Figs. 18, 19. Controlling the IN/OUT of the data from/to a specified location is considered as intended use. It would have been obvious to one of ordinary skill in the art to have included this function in Haff which depends upon the decision of the user or operator.

In contrast, Haff does not explicitly disclose transferring or, for that matter, determining and indicating, in the combination as recited by claim 1. Thus, claim 1 should be allowed.

Similarly, claim 13 recites:

instructions for determining a total size of the designated files being transferred from the first computer to the destination computer;
 instructions for indicating whether to transfer the designated files from the first computer to the destination computer via the network or whether to transfer the files from the first computer to the destination computer via the portable computer readable storage medium based on the determined total size of the files being transferred;
 instructions responsive to the indicating instructions for transferring the designated files from the first computer to the destination computer via the Internet or for transferring the designated files from the first computer to a portable computer readable storage medium from the portable computer readable storage medium to the destination computer.

Thus, claim 13 is distinguishable over Haff for the same reasons as claim 1. Thus, claim 13 should be allowed.

Similarly, claim 15 recites:

determining a total size of the designated files being transferred from the first computer to the destination computer;
 indicating whether to transfer the designated files from the first computer to the destination computer via the network or whether to transfer the files from the first computer to the destination computer via the portable computer readable storage medium based on the determined total size of the files being transferred;
 in response to the indicating, transferring the designated files from the first computer to the destination computer via the Internet and not via the portable computer readable storage medium or transferring the designated files from the first computer to the portable computer readable storage medium and not via the Internet....

Thus, claim 15 is distinguishable over Haff for the same reasons as claim 1. In addition, claim 15 recites that "when the designated files are transferred to the portable computer readable storage medium, transferring the portable computer readable storage medium including the designated files to the remote location of the destination computer and transferring the designated files from the portable computer readable medium to the destination computer." The Examiner cites the following in this regard:

transferring the designated files from the portable computer readable medium (notebook, figs. 1, 15, Col. 21, lines 10-27) to the destination computer (Col. 6, lines 22-49).

However, these sections of Haff do not teach or disclose such a transfer via a portable computer readable storage medium. Thus, claim 15 should be allowed.

Similarly, claim 22 recites:

determining a total size of the designated files being transferred from the first computer to the destination computer;

indicating whether to transfer the designated files from the first computer to the destination computer via the network or whether to transfer the files from the first computer to the destination computer via the portable computer readable storage medium based on the determined total size of the files being transferred;

in response to the indicating transferring the designated files from the first computer to the destination computer via the Internet and not via the portable computer readable storage medium or transferring the designated files from the first computer to the portable computer readable storage medium and not via the Internet...

Thus, claim 22 is distinguishable over Haff for the same reasons as claim 1. In addition, claim 22 recites that "receiving at the destination computer the transferred files from the portable computer readable storage medium and not via the Internet." The Examiner cites the following in this regard:

receiving at the destination computer the transferred files from the portable computer readable storage medium (notebook) (Col. 6, lines 22-49. Col. 21, lines 10-27, figs. 1, 15, 18, 19) and not via the Internet. As discussed above, Haff essentially discloses the claimed invention but does not explicitly disclose that transferring the files when the total size of the files being transferred is greater than the target amount. However, since operator or user can authorize credit and data transferring distribution, file can be transferred to a notebook computer when the operator/user believe the size of the files is over or under the limit of credits at the destination computer. The file transfer control (with a send button) is shown in Figs. 18, 19. Controlling the IN/OUT of the data from/to a specified location is considered as intended use. It would have been obvious to one of ordinary skill in the art to have included this function in Haff which depends upon the decision of the user or operator. Further, using any external storage device (e.g. memory jumper drive, memory flash card) for transferring files if the size of the files is greater than the storage limit has been commonly used nowadays that does not produce any novelty and unexpected results;

However, these sections of Haff do not teach or disclose such a transfer via a portable computer readable storage medium. Thus, claim 22 should be allowed.

Claim 23 has been added to recite the combined instructions of initially transferring via the portable medium followed by subsequently transferring via the Internet (see paragraph 26, 62 and 64 of the application, for example).

In view of the foregoing, applicants submit that independent claims 1, 13, 15, 22 and 23 are allowable over the cited art. The remaining dependent claims are believed to be allowable for at least the reasons noted above and for same reasons as the independent claims from which they depend.

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention. The fact that applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating applicants' agreement therewith.

The Applicants wish to expedite prosecution of this application. If the Examiner deems the claims as amended to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the claims in condition for allowance.

Applicants submit herewith the additional claims fee. The Commissioner is hereby authorized to charge any underpayment and credit any overpayment of government fees to Deposit Account No. 19-1345.

Respectfully submitted,

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